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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,973	12/19/2001	Wen-Yung Huang	4425-234	1180

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EXAMINER

LEE, CHEUKFAN

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/020,973	HUANG, WEN-YUNG
	Examiner	Art Unit
	Cheukfan Lee	2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 December 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 19 December 2005 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

1. Claims 1-20 are pending. Claims 1 and 13 are independent.

2. The disclosure is objected to because of the following informalities:

Page 9, lines 17-18, "the user must intends to" should be changed to – the user must intend to --.

Appropriate correction is required.

3. The specification is objected to as being not enabling. The specification does not reasonably provide enablement for the method step of scanning the scan area, after removing a portion of the framed area beyond the confined area to transform the framed area into the scan area.

As described in the specification on page in reference to invention Figs. 2C and 2E, the scan area is obtained "by ways of automatically removing a portion of the framed area beyond the confined area" (page 8, lines 26-28, block 24 of Fig. 2A), "the present invention can further define that only the object ... which is entirely within the framed area is preserved, and other objects are removed from the framed area if only parts of the objects are within the framed area" (page 9, lines 23-26). Figs. 2C and 2E (and prior art Fig. 1F) clear show that the scan area, after removal of other portion(s) or object(s) as described above, has an irregular shape.

Description for the step of scanning the scan area is on page 9, lines 5-7 (block 25 of Fig. 2A) and page 11, lines 12-15 (block 34 of Fig. 3). Without detail description on how the scanning step is perform to scan a scan area having such an irregular

shape, the specification does not provide adequate support for the scanning step to enable one skilled in the art to make and/or use the invention. Even with the description of "at least one parameter inputted by the user can be received, then, the scan area is scanned responsive to the parameters" on page 9, lines 6-7 and page 11, lines 13-15, the support is still not adequate because it is unknown how the scan area is scanned responsive to the parameters.

The step of scanning the scan area is recited in claims 1, 10, 13, and 17.

4. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1-19 claim the step of scanning the scan area, adequate support of which is not provided in the specification. Please refer to the objection of the specification addressed in section 3 above.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 13 and 20 , insofar as the claims are understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of well known art.

Regarding claims 1, 13 and 20, Applicant's prior art method and scanner comprises all steps claimed, except for the step of "removing a portion of said framed area beyond said confined area to transform said area into said scan area". Please refer to prior art Figs. 1A, 1E and 1F, page 1, lines 15-27 and page 2, lines 13-23. However, such step is not novel. The examiner took Official Notice of the fact that such step is well known in the art of image processing and editing using a displayed preview image. It would have been obvious to one of ordinary skill in the art at the time the invention was made to remove the unwanted portion(s) within a framed area as is known in the art in order to keep only the image in a desired area.

Please note that the components of the scanner of claim 20 are inherently included in Applicant's admitted prior art scanner (page 1, lines 15-27 and page 2, lines 13-23).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Amemiya et al. (U.S. Patent No. 5,970,183)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
December 19, 2005

A handwritten signature in black ink, appearing to read "Cheukfan Lee".